

## Joint Standing Committee on Business and Economic Development

**LD 597**

**An Act to Amend the Statutes Pertaining to Emergency Medical Services**

**PUBLIC 644**

Sponsor(s)  
VIGUE  
CAREY

Committee Report  
OTP-AM

Amendments Adopted  
H-879

LD 597, which was carried over from the First Session, proposed to amend the laws concerning emergency medical services by:

1. Changing the reference to the course that a basic emergency medical technician must complete from one defined by the United States Department of Transportation to one defined by Maine Emergency Medical Services;
2. Expanding the definition of emergency medical services person;
3. Expanding the monitoring power of the Emergency Medical Services Board to include other services provided by its licensees and to define treatments or services that fall within the scope of the practice of an emergency medical services person;
4. Adding three persons to the Emergency Medical Services Board; and
5. Listing the criminal convictions that result in denial, suspension or revocation of an emergency medical services license.

**Committee Amendment "A" (H-879)** proposed to amend the bill by:

1. Striking the expanded definition of "emergency medical services' person" and the provision expanding the monitoring power of the Emergency Medical Services' Board.
2. Striking the sections dealing with denial and suspension of licenses for criminal convictions.
3. Clarifying that the physician and nurse board member are representing the emergency medical field.
4. Striking the fire chief board member position and replacing it with a fire services representative position.
5. Clarifying that one of the nonpublic board members must also be a volunteer emergency medical services provider.

### ***Enacted law summary***

Public Law 1997, chapter 644 requires that the basic emergency medical technician must complete a course defined by Maine Emergency Medical Services. The enacted law also modifies the composition of the EMS Board by specifying that the physician and nurse board members must work in the emergency

medical field, that the fire chief board member position is replaced by a fire services representative position, and that one of the nonpublic board members must also be a volunteer emergency medical services provider.

**LD 1483**

**An Act to Register Interpreters for the Deaf and Hard-of-Hearing**

**PUBLIC 749**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM    MAJ ONTP      MIN	S-589

LD 1483, which was carried over from the First Session, proposed to require licensure of interpreters for the deaf and hard-of-hearing.

**Committee Amendment "A" (S-589)** This amendment proposed to replace the bill by establishing a system of registration of interpreters for the deaf and hard-of-hearing to be carried out by the Department of Professional and Financial Regulation.

The amendment also proposed to:

1. Create a technical review committee to study the issue of how interpreters should be further regulated.
2. Require the Department of Education to report back to the joint standing committee of the Legislature having jurisdiction over business and economic development matters and the joint standing committee of the Legislature having jurisdiction over education and cultural affairs with respect to interpreter issues within the school system, as well as interpreter training programs.
3. Require the Division of Deafness to notify the public and state agencies with regard to the regulatory changes encompassed by this amendment.

***Enacted law summary***

Public Law 1997, chapter 749 establishes a system of registration of interpreters for the deaf and hard-of-hearing to be carried out by the Department of Professional and Financial Regulation. After January 1, 1999, a person may not provide interpreting services for compensation unless registered according to the terms of this chapter.

The enacted law also:

1. Creates a technical review committee to study the issue of how interpreters should be further regulated.
2. Requires the Department of Education to report back to the joint standing committee of the Legislature having jurisdiction over business and economic development matters and the joint standing committee of the Legislature having jurisdiction over education and cultural affairs with respect to interpreter issues within the school system, as well as interpreter training programs.
3. Requires the Division of Deafness to notify the public and state agencies with regard to the regulatory changes encompassed by this amendment.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY WATSON	OTP-AM	S-561 H-1049 VIGUE

LD 1525, which was carried over from the First Session, proposed to repeal the two-tier certification or registration structure for massage therapists and proposed to require that all persons who profess to be a massage therapist or massage practitioner be licensed. The bill proposed that the licensure of massage therapists be under the authority of the Board of Complementary Health Care Providers. Provisions are outlined for licensure of new and existing massage practitioners.

**Committee Amendment "A" (S-561)** proposed to modify the licensure of massage therapists by removing oversight and involvement with the Board of Complementary Health Care Providers and by providing for license administration by the Commissioner of Professional and Financial Regulation. This amendment further proposed that after December 31, 2001 only licensed massage therapists may use the title "massage therapist" or the term "massage therapy" to identify the nature of their services. The amendment extends to December 31, 2001 the time during which currently registered massage practitioners may use the title "registered massage therapist" or demonstrate that they have the necessary experience or education to become licensed massage therapists.

**House Amendment "A" to Committee Amendment "A" (H-1049)** proposed to allocate to the Maine Revised Statutes a unallocated provision of Committee Amendment "A" regarding the application of disciplinary measures to registered massage practitioners.

#### *Enacted law summary*

Public Law 1997, chapter 681 provides that after December 31, 2001, only licensed massage therapists may use the title "massage therapist" or the term "massage therapy" to identify the nature of their services. Massage practitioners who are presently registered may use the title of "registered massage practitioner" until December 31, 2001. The law also sets out guidelines for registered massage practitioners to obtain licensure after December 31, 2001. Finally, the law provides that the Office of Licensing and Registration shall administer licensure, with assistance from an advisory council.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUCK RAND	OTP-AM	H-958

LD 1580, which was carried over from the First Session, proposed to increase oversight of osteopathic and allopathic doctors licensed to practice in Maine. The bill increases consumer representation from three to five on the Board of Osteopathic Licensure and from three to six on the Board of Licensure in Medicine. To strengthen physician oversight, the bill proposed to create a position of ombudsman to serve as an advocate for consumers of medical care who have filed complaints against physicians.

**Committee Amendment "A" (H-958)** proposed to replace the bill and to implement the recommendations of a study group formed under the direction of the Committee.

Part A proposed to amend the laws relating to the powers of any bureau, office, board or commission within or affiliated with the Department of Professional and Financial Regulation giving those entities the authority to issue letters of guidance or concern and to keep the letters on file for a specified amount of time, not to exceed 10 years.

Part B proposed to require the Board of Osteopathic Licensure to utilize and fund a consumer assistant position in conjunction with the Board of Licensure in Medicine. It further proposed a system of greater involvement on the part of complainants, and proposed to allow the board more flexibility in working with other states regarding complaints and professional records.

Part C proposed to reduce the size of the Board of Licensure in Medicine through attrition from seven physicians and three public members to six physicians and three public members. It proposed to further require the board to report on the effectiveness of the consumer assistant position shared with the Board of Osteopathic Licensure and on the effectiveness of alternative dispute resolution processes. It further proposed a system of greater involvement on the part of complainants, and allowed the boards more flexibility in working with other states regarding complaints and professional records. Finally, Part C proposed to increase the ceiling for the license renewal application fee from \$265 to not more than \$310.

Part D proposed to amend certain provisions of the Maine Health Security Act by clarifying that reports placed on file for a specified amount of time may be removed and destroyed only after the expiration of that specified time. The amendment also clarifies that letters of guidance or concern are not confidential.

#### ***Enacted law summary***

Public Law 1997, chapter 680 amends the laws relating to allopathic and osteopathic oversight as follows:

Part A amends the laws relating to the powers of any bureau, office, board or commission within or affiliated with the Department of Professional and Financial Regulation giving those entities the authority to issue letters of guidance or concern that do not constitute adverse disciplinary action and giving those entities the power to place letters of concern or guidance, together with any underlying complaint, report or investigation materials, on file for a specified amount of time, not to exceed 10 years.

Part B requires the Board of Osteopathic Licensure to utilize and fund a consumer assistant position in conjunction with the Board of Licensure in Medicine. It further provides for a system of greater involvement on the part of complainants, and allows the boards more flexibility in working with other states regarding complaints and professional records.

Part C reduces the size of the Board of Licensure in Medicine through attrition from seven physicians and three public members to six physicians and three public members. It requires the board to report on the effectiveness of the consumer assistant position shared with the Board of Osteopathic Licensure and on the effectiveness of alternative dispute resolution processes. It requires a system of greater involvement on the part of complainants, and allows the boards more flexibility in working with other states regarding complaints and professional records. Finally, Part C increases the ceiling for the license renewal application fee from \$265 to not more than \$310.

Part D amends certain provisions of the Maine Health Security Act. It clarifies that reports placed on file for a specified amount of time may be removed and destroyed only after the expiration of that specified time. The amendment also clarifies that letters of guidance or concern are not confidential.

**LD 1920**

**An Act to Promote Competitiveness Regarding the Sale of  
Recreational Vehicles by Allowing Better Discounts**

**PUBLIC 640**

Sponsor(s)  
CAMPBELL

Committee Report  
OTP-AM

Amendments Adopted  
H-853  
S-509 MACKINNON

LD 1920 allows recreational vehicle dealers to receive better discounts when they purchase recreational vehicles in a specified quantity and when the offer is made available to all dealers.

**Committee Amendment "A" (H-853)** proposed to expand the available unit discounts to include discounts based on the number of recreational vehicle parts and accessories sold, provided that the discount is available to all dealers.

**Senate Amendment "A" (S-509)** proposed to limit the obligation of the manufacturer of recreational vehicles to repurchase inventory of a terminated dealer to the current model year and the model year immediately preceding the current year.

***Enacted law summary***

Public Law 1997, chapter 640 allows vehicle dealers to receive discounts on recreational vehicles, including vehicle parts and accessories, provided the same discount is made available to all dealers. This law also set limits on the obligation of the manufacturer of recreational vehicles to repurchase inventory of a terminated dealer to the current model year and the model year immediately preceding the current year.

**LD 1922**

**An Act to Expand the Uses of the Economic Opportunity Fund**

**PUBLIC 590  
EMERGENCY**

Sponsor(s)  
VIGUE

Committee Report  
OTP-AM

Amendments Adopted  
H-795

LD 1922 proposed to expand the authority of the Department of Economic and Community Development to use approximately \$100,000 from the Economic Opportunity Program fund to allow the Department to use the funds as the required "matching funds" in order to take advantage of a \$250,000.00 Federal grant from the Economic Development Administration. In order to meet the matching fund requirement, the bill proposed to expand the Economic Opportunity Program fund to include grants to local and regional nonprofit organizations to foster economic growth activities, including economic conversion, which is coordinated at the regional and state levels. Current law limits the granting of these funds to municipalities. This expanded authority was requested for years 97-98 and 98-99 only.

**Committee Amendment "A" (H-795)** proposed to clarify that the expansion of the use of the Economic Opportunity Fund does not include the use of the fund for loans to private businesses.

***Enacted law summary***

Public Law 1997, chapter 590 allows the Department of Economic and Community Development to use approximately \$100,000 of from the Economic Opportunity Program fund as the required "matching funds" in order to take advantage of a \$250,000 Federal grant from the Economic Development Administration. In order to meet the matching fund requirement, the law expands the use of the Economic Opportunity Program fund to include grants to local and regional nonprofit organizations to foster economic growth activities, including economic conversion, which is coordinated at the regional and state levels. This expanded authority does not include the use of the fund for loans to private businesses, and applies for years 97-98 and 98-99 only. Chapter 590 was enacted as an emergency measure effective March 12, 1998.

<b>LD 1946</b>	<b>An Act to Simplify the Process of Transferring Ownership of a Business Licensed by the Board of Barbering and Cosmetology in Cases of Death or Divorce</b>	<b>PUBLIC 622 EMERGENCY</b>
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<u>Sponsor(s)</u> AMERO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-491
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LD 1946 proposed to allow the Board of Barbering and Cosmetology to reissue a license for a barber or cosmetology shop when the shop ownership changes but at least one of the owners retains ownership.

**Committee Amendment "A" (S-491)** proposed to limit the ability of the Board of Barbering and Cosmetology to reissue a license for a shop to situations when the ownership changes as a result of the death or divorce of an owner, and at least one of the owners retains ownership of the shop.

***Enacted law summary***

Public Law 1997, chapter 622 requires the Board of Barbering and Cosmetology to reissue a license for a barber or cosmetology shop when the ownership changes as a result of the death or divorce of an owner but at least one of the owners retains ownership. Chapter 622 was enacted as an emergency measure effective March 25, 1998.

<b>LD 2062</b>	<b>An Act to Provide for the 1998 and 1999 Allocations of the State Ceiling on Private Activity Bonds</b>	<b>P &amp; S 65 EMERGENCY</b>
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<u>Sponsor(s)</u> MITCHELL E	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 2062 proposed to establish the allocations of the state ceiling on the issuance of tax-exempt bonds for calendar years 1998 and 1999. This bill allocates the state ceiling among the state-level issuers of tax-exempt bonds.

***Enacted law summary***

Private and Special Law 1997, chapter 65 allocates the state ceiling among the state-level issuers of tax-exempt bonds for calendar years 1998 and 1999. Chapter 65 was enacted as an emergency measure effective March 7, 1998.

<b>LD 2088</b>	<b>An Act to Amend the Laws Concerning Access to Capital for Maine Businesses</b>	<b>PUBLIC 774</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS	OTP-AM	H-880 H-931 VIGUE

LD 2088 proposed to amend the Maine Seed Capital Tax Credit Program by allowing the investment of private venture capital funds in businesses that would not qualify for a credit, so long as credits are not issued for more than 30 percent of the amount of investments made by the fund in businesses that would qualify for the credit. In addition, the limits on qualifying investments in private venture capital funds were proposed to be increased to \$200,000 per investor per three-year period and to \$1,000,000 per fund.

**Committee Amendment "A" (H-880)** proposed to expand businesses that are eligible to participate in the private venture capital fund by including advanced technology businesses.

**Committee Amendment "A" to House Amendment "A" (H-931)** proposed to expand the definition of "eligible business" for purposes of determining businesses that are eligible to participate in the private venture capital fund by making a business eligible if it meets at least one of four enumerated criteria.

***Enacted law summary***

Public Law 1997, chapter 774 amends the Maine Seed Capital Tax Credit Program by allowing the investment of private venture capital funds in businesses that would not qualify for a credit, so long as credits are not issued for more than 30 percent of the amount of investments made by the fund in businesses that would qualify for the credit. In addition, the limit on qualifying investments in private venture capital funds is increased to \$200,000 per investor per three-year period and to \$1,000,000 per fund. The law also expands businesses that are eligible to participate in the private venture capital fund by expanding the definition of "eligible business" to include "advanced technology businesses".

<b>LD 2099</b>	<b>An Act to Prohibit Discrimination against Osteopathic Physicians and Provide Patient Choice</b>	<b>ONTP</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE DONNELLY	ONTP MAJ OTP MIN	

LD 2099 proposed to require hospitals, health maintenance organizations, insurance companies and all health care entities that require a physician to be residency trained, board certified or eligible for certification in a medical specialty to accept residency training or certification approved by the American Osteopathic Association, the

Accreditation Council for Graduate Medical Specialties or the American Board of Medical Specialties as satisfaction of the requirement.

<b>LD 2128</b>	<b>An Act Regulating the Practices of Feature Motion Picture Exhibitors and Distributors or Licensors and Providing Remedies for Violations</b>	<b>ONTP</b>
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<u>Sponsor(s)</u> SAXL M	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2128 proposed to regulate the practices of feature motion picture exhibitors and distributors in order to allow independently owned movie theaters to compete with larger theaters in the State.

<b>LD 2167</b>	<b>Resolve, to Encourage High-performance Work Organizations and Quality Jobs in Rural Maine</b>	<b>ONTP</b>
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<u>Sponsor(s)</u> ROWE NUTTING	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2167, which was referred to the Appropriations Committee, proposed to require state agencies providing business assistance to inform and encourage applicants for assistance to participate in voluntary workplace evaluation programs conducted by nonprofit organizations such as the Maine Quality Center. It also proposed funds for the expansion in rural areas with high unemployment and underemployment of workplace evaluation programs and for assistance in implementing high-performance workplace organizational practices.

At the invitation of the AFA, the Business & Economic Development Committee held a work session on this bill on Tuesday, February 24, 1998. The committee recommended that LD 2167 be amended to incorporate the following:

- Funding appropriated through DECD rather than the Department of Labor.
- Establish a revolving fund with respect to the business assistance allocation
- Transfer the rural workplace conversion assistance funding to LD 2249 "An Act to Promote Sustained Economic Growth and to Implement Recommendations Regarding the Department of Economic And Community Development".



**LD 2198**

**An Act to Implement the Recommendations Relating to the Review  
of the Department of Professional and Financial Regulation's Office  
of the Commissioner, Office of Consumer Credit Regulation and  
Office of Licensing and Registration under the State Government  
Evaluation Act**

**PUBLIC 727**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM    MAJ	H-952
	OTP-AM    MIN	S-683   LAFOUNTAIN

LD 2198 proposed to implement the recommendations made by the Joint Standing Committee on Business and Economic Development as a result of the committee's review of the Department of Professional and Financial Regulation under the State Government Evaluation Act.

Part A implements the recommendations relating to the Commissioner of Professional and Financial Regulation and proposed to do the following:

1. It proposed to amend the State Government Evaluation Act to provide for joint review of the Department of Professional and Financial Regulation by the Joint Standing Committee on Banking and Insurance and the Joint Standing Committee on Business and Economic Development.
2. It proposed to provide for confirmation of the appointment of the Commissioner of Professional and Financial Regulation by five members from the joint standing committee of the Legislature having jurisdiction over banking and insurance matters and five members from the joint standing committee of the Legislature having jurisdiction over business and economic development matters.
3. It proposed to clarify the authority of the Commissioner of Professional and Financial Regulation to coordinate all administrative processes related to licensing functions of boards and agencies, including, but not limited to, frequency and form of applications and licenses.

Part B implements the recommendations relating to the Office of Consumer Credit Regulation and proposed to do the following:

1. It proposed to authorize the Office of Consumer Credit Regulation to employ more flexibility in how examination costs are allocated within and among the regulated parties.
2. It proposed to expand the authority of the Office of Consumer Credit Regulation to regulate automobile credit sale documents.
3. It proposed to simplify the method whereby dollar amounts are determined by creditors.
4. It proposed to amend the bond requirements so that bond terms run concurrent with licensing terms, simplifying the process for lenders and debt collectors, as well as for the Office of Consumer Credit Regulation licensing personnel.
5. It proposed to allow different types of financial statements to be provided to prove net worth requirements under the appropriate statutes.

Part C implements the recommendations relating to the Office of Licensing and Registration and proposed to do the following:

1. It proposed to eliminate unduly restrictive qualifications on "public member" board positions;
2. It proposed to eliminate the "mortgage lender" position from the Board of Real Estate Appraisers;
3. It proposed to eliminate the requirement that gubernatorial appointments to the Real Estate Commission be confirmed by the Senate;
4. It proposed to transfer the administration and interpretation of the state plumbing code from the Department of Human Services, Division of Health Engineering to the Plumbers' Examining Board;
5. It proposed to transfer permitting authority for aboveground flammable liquid storage facilities from the Office of the State Fire Marshal to the Propane and Natural Gas Board;
6. It proposed to amend the general provisions governing occupational and professional licensing to provide for a choice of civil or criminal prosecution for unlicensed practice;
7. It proposed to transfer the administrative responsibility for the Maine State Pilotage Commission from the Office of Licensing and Registration to the Department of Transportation;

**Committee Amendment "A" (H-952)**, which was the majority report, proposed to establish modified consumer loan finance charges at levels consistent with other New England states. It also proposed to apply the Maine Consumer Credit Code protections to loans up to \$35,000 when made by supervised lenders other than supervised financial organizations. The amendment proposed to clarify that the boards listed under the Maine Revised Statutes, Title 10, section 8001-A are included in the complaint procedure of Title 32, section 60-G. The amendment proposed to clarify that the plumbing code applies to internal plumbers and not external or subsurface sewage disposal rules. The amendment proposed to clarify that the enforcement of the plumbing code is the joint responsibility of municipalities and the Plumbers' Examining Board. The amendment proposed to clarify the referenced inspections with respect to propane and natural gas.

**Senate Amendment "A" (S-683)** proposed to require the appointment of the Commissioner of Professional and Financial Regulation to be subject to review by the joint standing committee of the Legislature having jurisdiction over banking and insurance matters, instead of by the joint standing committee on business and economic development.

#### ***Enacted law summary***

Public Law 1997, chapter 727 implements the recommendations made by the Joint Standing Committee on Business and Economic Development as a result of the committee's review of the Department of Professional and Financial Regulation under the State Government Evaluation Act and makes other changes in the law governing the department.

Part A makes changes relating to the Commissioner of Professional and Financial Regulation and does the following.

1. It amends the State Government Evaluation Act to provide for joint review of the Department of Professional and Financial Regulation by the Joint Standing Committee on Banking and Insurance and the Joint Standing Committee on Business and Economic Development.
2. It clarifies the authority of the Commissioner of Professional and Financial Regulation to coordinate all administrative processes related to licensing functions of boards and agencies, including, but not limited to, frequency and form of applications and licenses.
3. It requires the appointment of the Commissioner of Professional and Financial Regulation to be subject to review by the joint standing committee of the Legislature having jurisdiction over banking and insurance matters, instead of by the joint standing committee on business and economic development.

Part B makes changes relating to the Office of Consumer Credit Regulation and does the following:

1. It authorizes the Office of Consumer Credit Regulation to employ more flexibility in how examination costs are allocated within and among the regulated parties.
2. It expands the authority of the Office of Consumer Credit Regulation to regulate automobile credit sale documents.
3. It simplifies the method whereby dollar amounts are determined by creditors.
4. It amends the bond requirements so that bond terms run concurrent with licensing terms.
5. It allows different types of financial statements to be provided to prove net worth requirements under the appropriate statutes.
6. It establishes modified consumer loan finance charges at levels consistent with other New England states.
7. It applies the Maine Consumer Credit Code protections to loans up to \$35,000 when made by supervised lenders other than supervised financial organizations.

Part C makes changes relating to the Office of Licensing and Registration and does the following.

1. It eliminates certain restrictive qualifications on "public member" board positions.
2. It eliminates the "mortgage lender" position from the Board of Real Estate Appraisers.
3. It eliminates the requirement that gubernatorial appointments to the Real Estate Commission be confirmed by the Senate.
4. It transfers the administration and interpretation of the state plumbing code from the Department of Human Services, Division of Health Engineering to the Plumbers' Examining Board.

5. It transfers permitting authority for aboveground flammable liquid storage facilities from the Office of the State Fire Marshal to the Propane and Natural Gas Board.
6. It amends the general provisions governing occupational and professional licensing to provide for a choice of civil or criminal prosecution for unlicensed practice.
7. It transfers the administrative responsibility for the Maine State Pilotage Commission from the Office of Licensing and Registration to the Department of Transportation.
8. It clarifies that the boards listed under the Maine Revised Statutes, Title 10, section 8001-A are included in the complaint procedure of Title 32, section 60-G.
9. It clarifies that the plumbing code applies to internal plumbers and not external or subsurface sewage disposal rules.
10. It clarifies that the enforcement of the plumbing code is the joint responsibility of municipalities and the Plumbers' Examining Board.
11. It clarifies the referenced inspections with respect to propane and natural gas.

**LD 2203**                      **An Act to Create the Maine Economic Opportunity Advisory Committee**                      **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u>
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LD 2203 proposed to create the Maine Economic Opportunity Advisory Committee to continue the work of the Task Force to Study Equal Economic Opportunity for All Regions of the State. The purpose of the committee was to advise the Legislature on ways to improve economic development opportunities for all regions of the State.

**LD 2229**                      **An Act to Implement Recommendations of the Joint Standing Committee on Business and Economic Development Relating to the Review of the Maine Development Foundation under the State Government Evaluation Act**                      **PUBLIC 662**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 2229 proposes to implement the recommendations of the Joint Standing Committee on Business and Economic Development relating to its review of the Maine Development Foundation under the State Government Evaluation Act.

This bill proposed that for the Board of Directors of the Maine Development Foundation determine annual support levels for private and public corporators. It also proposed to set the minimum number of directors at 15

and to allow the board to determine the exact number. It proposed to clarify that, except for the president of the foundation, a person may not serve as a director for more than five consecutive years.

***Enacted law summary***

Public Law 1997, chapter 662 implements the recommendations of the Joint Standing Committee on Business and Economic Development relating to its review of the Maine Development Foundation under the State Government Evaluation Act. Specifically, the law does the following:

1. Allows the Board of Directors of the Maine Development Foundation to determine annual support levels for private and public corporators;
2. Sets the minimum number of directors at 15 and allows the board to determine the exact number; and,
3. Clarifies that, except for the president of the foundation, a person may not serve as a director for more than five consecutive years.

**LD 2238**

**An Act to Create the Kennebec Regional Development Authority**

**P & S 79  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E	OTP MAJ	
MILLS	ONTP MIN	

LD 2238 proposed to create the Kennebec Regional Development Authority, and authorizes as its participating members all cities, towns and plantations presently located within the Kennebec Valley Economic Development District, which is composed of all of Kennebec County and Somerset County and six municipalities along the western border of Waldo County.

***Enacted law summary***

Private and Special Law 1997, chapter 79 creates the Kennebec Regional Development Authority and authorizes as its participating members all cities, towns and plantations presently located within the Kennebec Valley Economic Development District, which is composed of all of Kennebec County and Somerset County and six municipalities along the western border of Waldo County. Cities, towns and plantations eligible for membership must decide whether to join at a referendum held before June 30, 1999. The act empowers the Authority, upon a majority vote of its member municipalities, to issue bonds and to finance the public improvements in support of economic development. Chapter 79 was enacted as an emergency measure effective April 3, 1998 for purposes of submission to the voters. The other provision of the law became effective when approved at referendum by cities, towns or plantations with a combined state property valuation of \$3 billion, provided the number of votes in each municipality equals or exceeds 10 percent of the votes cast in the last gubernatorial election.

**LD 2249**

**An Act to Promote Sustained Economic Growth and to Implement  
Recommendations Regarding the Department of Economic and  
Community Development**

**ONTP**

Sponsor(s)

Committee Report  
ONTP

Amendments Adopted

LD 2249 proposed to implement the combined recommended General Fund appropriation for the state and regional economic development organizations, including the Maine Science and Technology Foundation. In addition, this bill proposed to implement the recommendations regarding the Department of Economic and Community Development under the State Government Evaluation Act and make appropriations to the Department of Economic and Community Development to provide enhanced services to businesses to promote the marketing of Maine-made consumer goods. This bill requires the Department of Economic and Community Development to report back to the legislative committee of jurisdiction with an assessment of the benefits attributable to the additional funding.

Finally, this bill proposed to repeal the statutory requirements that the Director of the Office of Business Development collect and distribute to the appropriate permitting agency permit applications and application fees for retail businesses and that the director establish a municipal centralized permitting program for retail businesses.

***Enacted Law Summary***

Portions of this bill were included in Part CC of the supplemental budget, PL 1997, chapter 643 to appropriate funds for economic development initiatives.

**LD 2275**

**An Act to Modify the Law Pertaining to Personal Sports Mobile  
Franchises**

**PUBLIC 717**

Sponsor(s)  
SHANNON  
MACKINNON

Committee Report  
OTP-AM

Amendments Adopted  
H-999

LD 2275 proposed to clarify that the term "coercion" does not include good faith attempts by the manufacturer to enforce the terms of the franchise or contractual agreement.

The bill proposed to change the notice of violation and cure periods from 180 days to 120 days.

The bill proposed to clarify that, in the event of termination, cancellation, nonrenewal or noncontinuance of a franchise by the manufacturer, the manufacturer must provide reasonable and fair compensation to the dealer for the inventory of the current and previous two model years purchased from the manufacturer.

The bill proposed to specify the conditions and procedures for the repurchase of unused supplies and parts by the manufacturer in the event of termination, cancellation, nonrenewal or noncontinuance of the franchise.

The bill proposed to provide that, in the event that the manufacturer is requested to reimburse the dealer for facility rental costs, the reimbursement is limited to the pro rata portion of the rent that is attributable to the aggregate

percentage of sales and service dollar volume derived from the sale and service of products that are manufactured by the manufacturer that is providing the reimbursement.

The bill proposed to make a technical correction to the law and provides that reimbursement for parts remaining in inventory upon the termination, cancellation, nonrenewal or noncontinuance of a franchise is to be made within 90 days of the return of those parts to the manufacturer.

The bill proposed to change the reimbursement rate at which a manufacturer must compensate the dealer in warranted parts to the published manufacturer's suggested retail price at the time of retail sale.

The bill proposed to remove the state criminal penalties associated with violations of the franchise law. Civil remedies are available under the franchise law and civil and criminal remedies are available under other legal authorities.

**Committee Amendment "A" (H-999)** proposed to correct two errors in the text of the legislative document and makes an additional technical correction to the existing Personal Sports Mobile Business Practices Act.

#### ***Enacted law summary***

Public Law 1997, chapter 717 makes the following modifications to the personal sports mobile franchise law:

1. Clarifies that the term "coercion" does not include good faith attempts by the manufacturer to enforce the terms of the franchise or contractual agreement.
2. The notice of violation and cure periods is changed from 180 days to 120 days.
3. In the event of termination, cancellation, nonrenewal or noncontinuance of a franchise by the manufacturer, the manufacturer must provide reasonable and fair compensation to the dealer for the inventory of the current and previous two model years purchased from the manufacturer.
4. The conditions and procedures are specified for the repurchase of unused supplies and parts by the manufacturer in the event of termination, cancellation, nonrenewal or noncontinuance of the franchise.
5. In the event that the manufacturer is requested to reimburse the dealer for facility rental costs, the reimbursement is limited to the pro rata portion of the rent that is attributable to the aggregate percentage of sales and service dollar volume derived from the sale and service of products that are manufactured by the manufacturer that is providing the reimbursement.
6. Provides for dealer reimbursement for parts remaining in inventory upon the termination, cancellation, nonrenewal or noncontinuance of a franchise within 90 days of the return of those parts to the manufacturer.
7. Changes the reimbursement rate at which a manufacturer must compensate the dealer in warranted parts to the published manufacturer's suggested retail price at the time of retail sale.
8. Removes the state criminal penalties associated with violations of the franchise law. Civil remedies are available under the franchise law and civil and criminal remedies are available under other legal authorities.